

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK OWEN and JAMES WANDLING,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiffs,

-against-

ELASTOS FOUNDATION, et al.,
Defendants.

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19-CV-5462 (GHW) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons stated on the record during the March 14, 2023 conference, it is hereby
ORDERED that:

1. **Anticipated Motion Practice.** Plaintiffs advise the Court that they anticipate filing a motion for spoliation sanctions pursuant to Fed. R. Civ. P. 37(e). The parties shall meet and confer in a good faith effort to agree upon a briefing schedule for that motion that does not extend beyond the expert discovery period.
2. **Pending Motion to Deny Class Certification.** Additionally, the parties shall meet and confer in a good faith effort to agree upon the withdrawal of defendants' preemptive motion to deny class certification (Dkt. 154) without prejudice to renewal, on a full record, when plaintiffs move for class certification.
3. **Joint Status Letter.** No later than **March 24, 2023**, the parties shall file a joint letter (a) updating the Court as to the outcome of these discussions and (b) submitting any agreed-upon briefing schedule for the Court's consideration.

Dated: March 16, 2023
New York, New York

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge